UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.		Applicant(s)
Office Action Summary	09/473,078		SHKEDI, ROY
	Examiner		Art Unit
	Jean D Janvier		3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 May 2004_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _42-82_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _42-82_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 05/28/04 has been entered and a Non-Final

Office Action is submitted below.

Response To Applicant's Arguments

To address the Applicant's concern regarding the last Office Action, Primary Examiner

James Myhre and Primary Examiner Eric Stamber (SPE) together with Examiner Jean Janvier

have discussed the patentability of the claims during an "Allowance Conference". The present

Office Action summarizes their findings. In view of this decision or Office Action, the

Examiners stand ready to grant the Applicant a personal interview right here at the Crystal City

Campus. The Applicant can request such an interview upon receipt of this Action.

Further, Applicant's arguments with respect to at least the independent claims have been

considered but are moot in view of the new ground(s) of rejection. Furthermore, the Applicant's

arguments are addressed in the current Office Action.

DETAILED ACTION

Specification

On page 4 and line 8, "one distributors" should apparently be --one distributor--.

Status of the claims

Claims 1-41 were canceled and claims 42-82 were added and hence, claims 42-82 are currently pending in the Instant Application.

Claim Objections

The claimed invention is objected to because of the following informalities:

Throughout the claimed invention, the "spreading step...." is being interpreted as combining the attributes included in an advertiser's bid or response to form a plurality of group of profile attributes--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 42-45, 47-55, 60-67, 68-76, 77 and 78-82 are rejected under 35 USC 102(e) as being

anticipated by Roth, PCT Application WO 98/34189.

As per claims 42, 68, 77, 78, 79 and 81, Roth discloses a method and/or system for

providing advertisements from a server to viewers (10) who access web sites (14) over the

Internet based at least on the viewers or users (10) characteristics or profile, which match a set of

criteria or characteristics associated with the advertisements (16A) from the advertisers or

distributors. A viewer (human) 10 using a client PC running a client browser 11 visits a web site

14 having an HTML reference to a view server 320 for signaling the occurrence of a view-op. In

other words, this visit at the registered or participating web site 14 triggers a view-op, that is an

opportunity to transfer a targeted advertisement to the visitor or viewer if his profile variables

match one or more advertisers' profile attributes and in accordance with the highest bid received

from bid input server 18 on behalf of a bid winner or advertiser who bid along with other

advertisers for the opportunity to transfer or present one targeted advertisement to the user or

viewer who causes the view-op. A web server 310 coupled to the user's client PC sends the view-

op signal to the view server 320 of fig, 3, which retrieves among other things the user's profile

stored in database 16B (database of viewer information) and passes it to bidding agent 30

(intermediary), which receives a plurality of proposed bids from bid input server 18

(intermediary or agency working on behalf of the advertisers or bidders), for comparing and

evaluating the viewer's profile to the plurality of proposed bids specifications and wherein the

result of this comparison or evaluation, that is a number of selected proposed bids along with

their related bid prices, is forwarded to the bid selection logic 16C coupled to view server 320 for

selecting the highest bid. Following the highest bid selection, the view server 320 transmits a

signal to web server 310 to retrieve from database 16A or ad table 16A the advertisement

associated with the winning bid to be presented to the viewer of the view-op. At the conclusion

of the transaction, the database 16B is updated to reflect a successful view-op. Further, a log and

billing unit 320A collects data regarding the view-op, wherein the data are used for billing and

auditing purposes. **It is herein understood that the proposed bids, including bid prices, bid**

profile attributes requirements and r associated advertisements, are stored or recorded in

the system database or database 18T coupled to the bid input server 18 of fig. 3 prior to the

user's or viewer's visit or view-op occurrence. It is further understood that the system is

advertised to the advertisers or advertising distributors via conventional means and

desired bid information, including bid prices, profile attributes requirements or targeted

audience and the associated advertisements, are collected ahead of time from interested

advertisers and supplied to bid input server 18 (agency or third party) for storage in

database 18T where the bid information or proposed bids from a plurality of responding

advertisers is retrieved and delivered, during a view-op event, to bidding agent 30 for

comparing and evaluating the bid information to the viewer's profile when a view-op

occurs. Moreover, the submitted bids or the responses from the plurality of advertisers

contain various profile attributes requirements that must be satisfied by a view-op, wherein

these various profile attributes submitted by various advertisers form a number

combination of different profile attributes (fig. 3, 5 and 7; page 11: 16 to page 14: 3; page 22:

1 to page 24: 1; page 26: 4 to page 37: 2).

Furthermore, if a viewer profile (variables) does not contain all the attributes specified

in a proposed bid submitted by an advertiser, then the proposed bid in response to a view-op

will not be considered by the bidding agent 30, which evaluates the proposed bid vis-à-vis the

incoming view-op profile. The advertiser has the latitude in choosing the profile attributes that

he feels or deems relevant to help the viewer make a buying decision (page 22: 1-9).

Additionally, the bid profile attribute requirements or criteria may be very stringent in a

situation where the proposed bid price is high and the advertiser wants to reach only a

very selected group of viewers. On the other hand, the criteria may be loose if the bid

price is low and the advertiser wants to reach a large number of viewers who meet only a

minimum set of criteria or fewer profile attributes than the actual profile attributes

specified by the advertiser or bidder. For example, a proposed bid might have a single

attribute or criterion such that the view-op is from all users who use "Netscape browser".

In this case, the total economic value related to the price of all attributes within the

profile is equal to the price of the single criterion specified in the bid. Alternatively, a

proposed bid might specify values or contain a plurality of attributes (a, b, c, e, g, h, and

i), wherein a, b, c, e, g, h, and i representative of various attribute values may be different

for each bidder or advertiser. In other words, if the advertiser's bid or response contains

one single requirement or profile attribute, such as that the user is a Netscape User, then

the advertiser's proposed bid features a single attribute having a price or economic value

that the advertiser wants to pay to display an advertisement to a user who is a "Netscape

User". Another advertiser might bid ten cents if the view-op is from a user who had recently visited a particular web page and one cent for the same view-op if the user or viewer had not recently visited the particular web page. Another advertiser may submit a bid that offers, among other things, a specific price if the viewer causing the view-op has previously visited a financial web site. Here, and in general, the number of profile combinations resulting from the advertiser's proposed bid or response is one (1) since there is only one single attribute ("Netscape User", "visiting the particular web page", "financial web site" requirement) (determining a bid price for a response by adding the economic values for the individual attributes in a profile combination). In other words, although there may be other attributes in the proposed bid or response, however, only the attribute(s) that the advertiser really cares for has an economic value or price tag associated with it. It is further recognized here that the number of profile combinations and the total price value for each profile combination resulting from the advertiser's bid response or proposed bid as shown above are determined before a view-op occurs (in a preparation for a view-op or visit).

Furthermore, in a particular embodiment, an advertiser may submit multiple form objects at multiple levels. For instance, an advertiser may submit a bid, having a series of attributes, in which the advertiser may specify a level one proposal of five cents if some of the attributes are met by a view-op and a level two proposal of four cents if some other attributes are met. As shown in fig. 5 and indicated above, each proposed bid might include several bid levels. Here, a process is executed for each level of each proposed bid. When a view-op occurs, the Level 0 is "run" first, the Level 1 next, and so on. This means that level

0 requirements (attributes required) are evaluated first by bidding agent 30. If they

succeed, then bid is placed as dictated in that level's data. Otherwise Level 1 requirements

are checked, and so on and so forth (each proposed bid or advertiser's response is spread

to form multiple combinations of attributes or to form multiple bid levels where each bid

level has different attributes or criteria, wherein each bid level or attribute combination

has an associated economic value or price tag). The proposed bid evaluation process shown

in fig. 5 performs tests upon a received proposed bid prior to submitting an actual bid to

view server 320.

(Page 26: 6 to page 29: 4; figs. 5 and 6).

Finally, Big agents 30 (intermediary) evaluates the proposed bids along with

advertisers' specifications or criteria or profile attributes, submitted by a plurality of advertisers

prior to the view-op or a visit by a user to a registered web site 14, before forwarding the

qualified bids that correspond with the view-op or the user's or viewer's 10 profile having one

or more variables or parameters to bid selection logic 16C, coupled to view server 320, for

selecting the highest bid, based on a best-profile attribute matching criteria, wherein the view

server 320 sends a signal to web server 310 to retrieve from ad table or ad database 16A an

appropriate advertisement related to the highest bid and wherein the advertisement is displayed

on the screen of the client browser 11 to be read by the user or viewer. One or more servers can

be used to implement the system disclosed here (fig. 3: page 11: 16 to page 14: 3). Further,

database 16B coupled to view server 320 of fig. 3 contains a series of tables for storing viewer

history data (previous viewing habits, purchases, click-throughs, viewer registration data, etc.)

(Page 17: 15 to page: 21: 15).

As per claims 43, 45, 47, 48, 49, 50, 53, 54, 60, 64, 65, 66, 69, 70-76, 80 and 82, Roth

discloses a method and/or system for providing advertisements from a server to viewers (10)

who access web sites (14) over the Internet based at least on the viewers or users (10)

characteristics or profile, which match a set of criteria or characteristics associated with the

advertisements (16A) from the advertisers or distributors. A viewer (human) 10 using a client PC

running a client browser 11 visits a web site 14 having an HTML reference to a view server 320

for signaling the occurrence of a view-op. In other words, this visit at the registered or

participating web site 14 triggers a view-op, that is an opportunity to transfer a targeted

advertisement to the visitor or viewer if his profile variables match one or more advertisers'

profile attributes and in accordance with the highest bid received from bid input server 18 on

behalf of a bid winner or advertiser who bid along with other advertisers for the opportunity to

transfer or present one targeted advertisement to the user or viewer who causes the view-op. A

web server 310 coupled to the user's client PC sends the view-op signal to the view server 320 of

fig, 3, which retrieves among other things the user's profile stored in database 16B (database of

viewer information) and passes it to bidding agent 30 (intermediary), which receives a plurality

of proposed bids from bid input server 18 (intermediary or agency working on behalf of the

advertisers or bidders), for comparing and evaluating the viewer's profile to the plurality of

proposed bids specifications and wherein the result of this comparison or evaluation, that is a

number of selected proposed bids along with their related bid prices, is forwarded to the bid

selection logic 16C coupled to view server 320 for selecting the highest bid. Following the

highest bid selection, the view server 320 transmits a signal to web server 310 to retrieve from

database 16A or ad table 16A the advertisement associated with the winning bid to be presented

to the viewer of the view-op. At the conclusion of the transaction, the database 16B is updated to

reflect a successful view-op. Further, a log and billing unit 320A collects data regarding the

view-op, wherein the data are used for billing and auditing purposes. It is herein understood that

the proposed bids, including bid prices, bid profile attributes requirements and r associated

advertisements, are stored or recorded in the system database or database 18T coupled to the bid

input server 18 of fig. 3 prior to the user's or viewer's visit or view-op occurrence. It is further

understood that the system is advertised to the advertisers or advertising distributors via

conventional means and desired bid information, including bid prices, profile attributes

requirements or targeted audience and the associated advertisements, are collected ahead of time

from interested advertisers and supplied to bid input server 18 (agency or third party) for storage

in database 18T where the bid information or proposed bids from a plurality of responding

advertisers is retrieved and delivered, during a view-op event, to bidding agent 30 for comparing

and evaluating the bid information to the viewer's profile when a view-op occurs. Moreover, the

submitted bids or the responses from the plurality of advertisers contain various profile attributes

requirements that must be satisfied by a view-op, wherein these various profile attributes

submitted by various advertisers form a number combination of different profile attributes (fig.

3, 5 and 7; page 11: 16 to page 14: 3; page 22: 1 to page 24: 1; page 26: 4 to page 37: 2).

Furthermore, if a viewer profile (variables) does not contain all the attributes specified in

a proposed bid submitted by an advertiser, then the proposed bid in response to a view-op will

not be considered by the bidding agent 30, which evaluates the proposed bid vis-à-vis the

incoming view-op profile. The advertiser has the latitude in choosing the profile attributes that he

feels or deems relevant to help the viewer make a buying decision (page 22: 1-9). Additionally,

the bid profile attribute requirements or criteria may be very stringent in a situation where the

proposed bid price is high and the advertiser wants to reach only a very selected group of

viewers. On the other hand, the criteria may be loose if the bid price is low and the advertiser

wants to reach a large number of viewers who **meet only a minimum** set of criteria or fewer

profile attributes than the actual profile attributes specified by the advertiser or bidder. For

example, a proposed bid might have a single attribute or criterion such that the view-op is from

all users who use "Netscape browser". In this case, the total economic value related to the price

of all attributes within the profile is equal to the price of the single criterion specified in the

bid. Alternatively, a proposed bid might specify values or contain a plurality of attributes (a, b,

c, e, g, h, and i), wherein a, b, c, e, g, h, and i representative of various attribute values may be

different for each bidder or advertiser (page 26: 6 to page 28: 6).

Finally, Big agents 30 (intermediary) evaluates the proposed bids along with

advertisers' specifications or criteria or profile attributes, submitted by a plurality of

advertisers prior to the view-op or a visit by a user to a registered web site 14, before

forwarding the qualified bids that correspond with the view-op or the user's or viewer's 10

profile having one or more variables or parameters to bid selection logic 16C, coupled to

view server 320, for selecting the highest bid, based on a best-profile attribute matching

criteria, wherein the view server 320 sends a signal to web server 310 to retrieve from ad

table or ad database 16A an appropriate advertisement related to the highest bid and wherein

the advertisement is displayed on the screen of the client browser 11 to be read by the user or

viewer. One or more servers can be used to implement the system disclosed here (fig. 3: page

11: 16 to page 14: 3). Further, database 16B coupled to view server 320 of fig. 3 contains a

series of tables for storing viewer history data (previous viewing habits, purchases, click-

throughs, viewer registration data, etc.) (Page 17: 15 to page: 21: 15).

As per claims 61-62, Roth discloses a system wherein a user's domain, browser type and

cookie are used to recognize or identify the user during an event, such as logging into web site

14, which triggers a view-op or an opportunity to transfer a targeted ad to the user if his profile

matches the advertiser's upon recognizing the user via information retrieved from his cookie file

(page 8: 13-21; page 20: 4; page 36: 21 to page 37: 2; page 31: 19 to page 32: 3).

As per claim 55, Roth discloses an Internet advertising system wherein Web Server 310

of fig. 3 (communication node) receives an HTML reference (a view op) or HTTP request from

web browser 12 when the viewer or visitor (10) accesses a web site having a link to advertising

Web Server or Web Server 310 (page 6: 5-25). If the characteristics of a viewer or visitor (10)

meet the criteria of a proposed bid, bidding agent (30) will submit a bid to view server 320 based

on a minimum or maximum bid or a fixed amount or budget an advertiser is willing to spend for

the right to display his advertising message to a particular viewer (10) having a set of

characteristics or profile. After receiving input from bidding agents (30), the bid selection logic

16C in view server 320 selects the highest bid and indicates to the Web Server 310 which

advertisement from database (16A) should be displayed in response to the HTTP request. In

response to the input from view server 320, the web server 310 delivers the appropriate

advertisement to the viewer or visitor (10). It should further be understood that the steps of

collecting responses from distributors or advertisers are performed automatically using the bid

input server 18 of fig. 3 in conjunction with the advertisers' or distributors' targeted profile or

characteristics and an amount (predetermined threshold) that the advertisers or distributors are

willing to pay for the opportunity to deliver a targeted ad to a user having a specific profile and

wherein the viewer's profile and the advertisers' or distributors' targeted profile are stored in

databases corresponding to the system (page 3: 19 to page 4:10; page 12: 13-17; page 13: 13-23;

page 16: 1-9; fig. 1; see abstract).

As per claims 44 and 51-52, Roth disclose a method and/or system wherein bidding agent

(30) will submit a bid to view server 320 if the characteristics or profile of a viewer or visitor

(10), a human, meet the criteria of a proposed bid from an advertiser or distributor. The visitor's

profile contains at least information from web sites previously visited, IP address of the visitor's

PC, demographic information provided by the visitor during registration, which are stored in

database 16B of fig. 1. It should further be understood that the visitor will fill out a registration

form, containing a plurality of fields including a header, where he will provide his personal

information used in determining whether or not his profile or characteristics match the criteria or

characteristics specified by an advertiser in a bid (page 1: 23 to page 2: 2; page 3: 23 to page 4:

7; page 13: 13-23; page 15: 11-15; page 15: 20-25; page 17: 1-5; page 36: 4-19; page 37: 23-24;

15).

As per claims 63 and 67, Roth discloses a method for advertising on the Internet wherein a viewer or visitor (10) uses a client to visit web sites over the Internet. A cookie or file stored on the visitor's client or computer collects data regarding the visitor's visits to these web sites and these data are subsequently analyzed and used along with the visitor's personal information to compose a profile for the visitor and wherein this profile is used in the matching of characteristics by bidding agent (30) or intermediary before an appropriate advertisement is sent to the visitor by Web Server 310, thereby eliminating the possibility to send irrelevant or unwanted advertisements to the visitor. Finally, an advertiser can effectively use the tracking or auditing data stored in the cookie to decide whether or not a visitor has read his ads and based on this determination, the advertiser might bid more or less money (page 3: 19 to page 4: 10; page 13: 13-23; page 17: 1-2; page 36: 21 to page 37: 2; fig. 1; fig. 6B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 42-55, 60-67, 68-76, 77 and 78-82 are rejected under 35 USC 103(a) as being unpatentable over Roth, PCT Application WO 98/34189.

As per claims 42, 68, 77, 78, 79 and 81, Roth discloses a method and/or system for providing advertisements from a server to viewers (10) who access web sites (14) over the Internet based at least on the viewers or users (10) characteristics or profile, which match a set of criteria or characteristics associated with the advertisements (16A) from the advertisers or distributors. A viewer (human) 10 using a client PC running a client browser 11 visits a web site 14 having an HTML reference to a view server 320 for signaling the occurrence of a view-op. In other words, this visit at the registered or participating web site 14 triggers a view-op, that is an opportunity to transfer a targeted advertisement to the visitor or viewer if his profile variables match one or more advertisers' profile attributes and in accordance with the highest bid received from bid input server 18 on behalf of a bid winner or advertiser who bid along with other advertisers for the opportunity to transfer or present one targeted advertisement to the user or viewer who causes the view-op. A web server 310 coupled to the user's client PC sends the view-op signal to the view server 320 of fig, 3, which retrieves among other things the user's profile stored in database 16B (database of viewer information) and passes it to bidding agent 30 (intermediary), which receives a plurality of proposed bids from bid input server 18 (intermediary or agency working on behalf of the advertisers or bidders), for comparing and evaluating the viewer's profile to the plurality of proposed bids specifications and wherein the result of this comparison or evaluation, that is a number of selected proposed bids along with their related bid prices, is forwarded to the bid selection logic 16C coupled to view server 320 for selecting the highest bid. Following the highest bid selection, the view server 320 transmits a signal to web server 310 to retrieve from database 16A or ad table 16A the advertisement associated with the winning bid to be presented to the viewer of the view-op. At the conclusion

of the transaction, the database 16B is updated to reflect a successful view-op. Further, a log and

billing unit 320A collects data regarding the view-op, wherein the data are used for billing and

auditing purposes. **It is herein understood that the proposed bids, including bid prices, bid**

profile attributes requirements and r associated advertisements, are stored or recorded in

the system database or database 18T coupled to the bid input server 18 of fig. 3 prior to the

user's or viewer's visit or view-op occurrence. It is further understood that the system is

advertised to the advertisers or advertising distributors via conventional means and

desired bid information, including bid prices, profile attributes requirements or targeted

audience and the associated advertisements, are collected ahead of time from interested

advertisers and supplied to bid input server 18 (agency or third party) for storage in

database 18T where the bid information or proposed bids from a plurality of responding

advertisers is retrieved and delivered, during a view-op event, to bidding agent 30 for

comparing and evaluating the bid information to the viewer's profile when a view-op

occurs. Moreover, the submitted bids or the responses from the plurality of advertisers

contain various profile attributes requirements that must be satisfied by a view-op, wherein

these various profile attributes submitted by various advertisers form a number

combination of different profile attributes (fig. 3, 5 and 7; page 11: 16 to page 14: 3; page 22:

1 to page 24: 1; page 26: 4 to page 37: 2).

Furthermore, if a viewer profile (variables) does not contain all the attributes specified

in a proposed bid submitted by an advertiser, then the proposed bid in response to a view-op

will not be considered by the bidding agent 30, which evaluates the proposed bid vis-à-vis the

incoming view-op profile. The advertiser has the latitude in choosing the profile attributes that

he feels or deems relevant to help the viewer make a buying decision (page 22: 1-9).

Additionally, the bid profile attribute requirements or criteria may be very stringent in a situation where the proposed bid price is high and the advertiser wants to reach only a very selected group of viewers. On the other hand, the criteria may be loose if the bid price is low and the advertiser wants to reach a large number of viewers who meet only a minimum set of criteria or fewer profile attributes than the actual profile attributes specified by the advertiser or bidder. For example, a proposed bid might have a single attribute or criterion such that the view-op is from all users who use "Netscape browser". In this case, the total economic value related to the price of all attributes within the profile is equal to the price of the single criterion specified in the bid. Alternatively, a proposed bid might specify values or contain a plurality of attributes (a, b, c, e, g, h, and i), wherein a, b, c, e, g, h, and i representative of various attribute values may be different for each bidder or advertiser. In other words, if the advertiser's bid or response contains one single requirement or profile attribute, such as that the user is a Netscape User, then the advertiser's proposed bid features a single attribute having a price or economic value that the advertiser wants to pay to display an advertisement to a user who is a "Netscape User". Another advertiser might bid ten cents if the view-op is from a user who had recently visited a particular web page and one cent for the same view-op if the user or viewer had not recently visited the particular web page. Another advertiser may submit a bid that offers, among other things, a specific price if the viewer causing the view-op has previously visited a financial web site. Here, and in general, the number of profile combinations resulting from the advertiser's proposed bid or response is one (1) since

there is only one single attribute ("Netscape User", "visiting the particular web page", "financial web site" requirement) (determining a bid price for a response by adding the economic values for the individual attributes in a profile combination). In other words, although there may be other attributes in the proposed bid or response, however, only the attribute(s) that the advertiser really cares for has an economic value or price tag associated with it. It is further recognized here that the number of profile combinations and the total price value for each profile combination resulting from the advertiser's bid response or proposed bid as shown above are determined before a view-op occurs (in a preparation for a view-op or visit).

Furthermore, in a particular embodiment, an advertiser may submit multiple form objects at multiple levels. For instance, an advertiser may submit a bid, having a series of attributes, in which the advertiser may specify a level one proposal of five cents if some of the attributes are met by a view-op and a level two proposal of four cents if some other attributes are met. As shown in fig. 5 and indicated above, each proposed bid might include several bid levels. Here, a process is executed for each level of each proposed bid. When a view-op occurs, the Level 0 is "run" first, the Level 1 next, and so on. This means that level 0 requirements (attributes required) are evaluated first by bidding agent 30. If they succeed, then bid is placed as dictated in that level's data. Otherwise Level 1 requirements are checked, and so on and so forth (each proposed bid or advertiser's response is spread to form multiple combinations of attributes or to form multiple bid levels where each bid level has different attributes or criteria, wherein each bid level or attribute combination has an associated economic value or price tag). The proposed bid evaluation process shown

in fig. 5 performs tests upon a received proposed bid prior to submitting an actual bid to view server 320.

(Page 26: 6 to page 29: 4; figs. 5 and 6).

Finally, Big agents 30 (intermediary) evaluates the proposed bids along with advertisers' specifications or criteria or profile attributes, submitted by a plurality of advertisers prior to the view-op or a visit by a user to a registered web site 14, before forwarding the qualified bids that correspond with the view-op or the user's or viewer's 10 profile having one or more variables or parameters to bid selection logic 16C, coupled to view server 320, for selecting the highest bid, based on a best-profile attribute matching criteria, wherein the view server 320 sends a signal to web server 310 to retrieve from ad table or ad database 16A an appropriate advertisement related to the highest bid and wherein the advertisement is displayed on the screen of the client browser 11 to be read by the user or viewer. One or more servers can be used to implement the system disclosed here (fig. 3: page 11: 16 to page 14: 3). Further, database 16B coupled to view server 320 of fig. 3 contains a series of tables for storing viewer history data (previous viewing habits, purchases, click-throughs, viewer registration data, etc.) (Page 17: 15 to page: 21: 15).

As per claims 42, 68, 77, 78, 79 and 81, Roth does not expressly teach forming assigning to some or all the individual attributes within a profile, submitted by an advertiser, a price or an economic value contribution and determining the total cost of a profile combination by adding the cost of each single attribute that makes up the profile to thereby select the profile attribute combination that yields to the highest price.

However, it is common practice in the art to assign a value or a rate or a weight to some or all attributes that make up a user's profile and to charge an advertiser who wants to display an advertising message to the user having such a profile based on the value or rating or weighting given to those attributes (See the Gerace's reference). In addition, it is customary to assign a dollar figure to each profile attribute that makes up a user profile and to charge the highest price to an advertiser wishing to display an advertisement to the user based on a best-fit profile matching upon comparing the advertiser's requirements or profile parameters to the user's profile attributes, wherein the advertiser is charged for the number of the user's profile attributes that corresponds to the advertiser's profile parameters by adding the individual price for each of the user's profile attribute that corresponds to the advertiser's profile parameter (See the Dedrick's Patent).

("Official Notice")

Furthermore, spreading the profile attributes included in an advertiser's received bid or response to thereby form a plurality of different attribute combinations or different groups of profiles comprising one or more attributes, determining, by computing or adding the economic value assigned to each individual attribute included therein, a combination price, storing in a database the different groups or combinations of attributes along with the computed price for each group or combination ahead of time (before a visitor visits the system) and performing a matching or comparing step by searching or scanning through the millions of stored combinations to select the combination with the highest price therefrom (if the advertiser cares only for one attribute, then there is only one possible combination and the computed price is equal to the price indicated by the advertiser) as opposed to performing the matching step by

determining which combination of attributes from the advertiser's response is appropriate for the

visitor in real-time (during a visitor's visit) is a matter of design specification (or desires)

depending upon the traffic generated by the distribution site, its size and available bandwidth.

This is a technical issue, which does amount to patentable subject matter. Each model has its

advantages and disadvantages.

The above findings are well within the level of skills of an ordinary artisan or a system

designer or system administrator.

Therefore, an ordinary skilled artisan would have been motivated at the time of the

invention to incorporate the above disclosures into the Roth's system so as to receive, via bid

input server 18 for permanent storage in database 18T,from a plurality of advertisers a plurality

of bid responses or bid information wherein each bid includes a bid profile containing various

parameters or attributes, an advertising message related to a particular bid and a bid price,

computed based on a best-fit profile model (yielding to the highest price) by adding the

individual price(weight) assigned to each of the user's profile attributes matching the advertiser's

profile parameters, wherein the system is operable to independently assign a weighting value or a

monetary value to some or all attributes within a potential customer's or visitor's profile prior to a

view-op and determine or calculate a price for the potential customer's or visitor's profile by

adding the individual costs or individual weighting values or rating percentages related to the

customer's attributes of the customer's profile and when a view-op occurs the bid input server 18

is configured to retrieve from its database 18T the bid information including bid prices from a

number of advertisers or bidders and forwards the bid information to the bidding agents 30 for

evaluation and comparison, in accordance with a best-fit profile attribute matching (yielding to

the highest price), and the bidding agent 30 subsequently passes the selected qualified bids to the

bid selection logic 16C coupled to view server 320 for selecting the highest bid for this view-op

based on the total cost of the visitor's profile as determined by the system (or based on a best-fit

profile matching criteria), wherein this total cost may be equal to or greater than the winning bid

price or based on best-fit profile determination and wherein the view server 320 sends a signal to

web server 310 to retrieve from database 16A the advertisement related to the highest or winning

bid to be delivered to the viewer whose visit has triggered this view-op, thereby rendering the

system more flexible and fair by allowing advertisers or small entrepreneurs to participate in the

bidding process for the chance to present their advertising messages to targeted viewers based on

a best-fit profile scheme, that is the bid price is determined based on how well a viewer profile

variables match an advertiser's specified attributes in a loosely targeted environment, while

allowing the advertisers to reach a large number of viewers by being less stringent in their

requirements since the system is operable to present an advertisement corresponding to a

proposed bid to a user or viewer even if the viewer's profile variables do not match all the

advertiser's profile attributes in a loosely targeted environment, while ensuring that the

advertising messages or advertisements will be welcomed and attentively viewed in an

interactive manner by the viewer and this ability to finely target or customize ads based on the

interest or profile of a particular viewer maximizes efficiency and benefits both the advertisers

and the viewers.

As per claim 46, Roth does not expressly disclose a method and/or system for at least transferring encrypted advertisements to a visitor.

However, transmitting encrypted data between at least two parties over a network in an effort to secure the transmission of the data so that the data are not tampered with is a well-established business method practiced or used in the industry for many years (See the Goldhaber's Patent) "Official Notice".

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above disclosure into the Roth's system so as to at least encrypt an advertisement before it is transmitted to a qualified viewer (10) and to provide a decryption key to the viewer such that the viewer can use the decryption key to decrypt the encrypted information or advertisements at the customer's computer or viewer's client, thereby ensuring that the content of advertiser's message or advertisement was not tampered with or the integrity of the advertisement was not compromised during the transmission or transfer to the viewer's client (authentication).

As per claims 43, 45, 47, 48, 49, 50, 53, 54, 60, 64, 65, 66, 69, 70-76, 80 and 82, Roth discloses a method and/or system for providing advertisements from a server to viewers (10) who access web sites (14) over the Internet based at least on the viewers or users (10) characteristics or profile, which match a set of criteria or characteristics associated with the advertisements (16A) from the advertisers or distributors. A viewer (human) 10 using a client PC running a client browser 11 visits a web site 14 having an HTML reference to a view server 320 for signaling the occurrence of a view-op. In other words, this visit at the registered or

participating web site 14 triggers a view-op, that is an opportunity to transfer a targeted

advertisement to the visitor or viewer if his profile variables match one or more advertisers'

profile attributes and in accordance with the highest bid received from bid input server 18 on

behalf of a bid winner or advertiser who bid along with other advertisers for the opportunity to

transfer or present one targeted advertisement to the user or viewer who causes the view-op. A

web server 310 coupled to the user's client PC sends the view-op signal to the view server 320 of

fig, 3, which retrieves among other things the user's profile stored in database 16B (database of

viewer information) and passes it to bidding agent 30 (intermediary), which receives a plurality

of proposed bids from bid input server 18 (intermediary or agency working on behalf of the

advertisers or bidders), for comparing and evaluating the viewer's profile to the plurality of

proposed bids specifications and wherein the result of this comparison or evaluation, that is a

number of selected proposed bids along with their related bid prices, is forwarded to the bid

selection logic 16C coupled to view server 320 for selecting the highest bid. Following the

highest bid selection, the view server 320 transmits a signal to web server 310 to retrieve from

database 16A or ad table 16A the advertisement associated with the winning bid to be presented

to the viewer of the view-op. At the conclusion of the transaction, the database 16B is updated to

reflect a successful view-op. Further, a log and billing unit 320A collects data regarding the

view-op, wherein the data are used for billing and auditing purposes. It is herein understood that

the proposed bids, including bid prices, bid profile attributes requirements and r associated

advertisements, are stored or recorded in the system database or database 18T coupled to the

bid input server 18 of fig. 3 prior to the user's or viewer's visit or view-op occurrence. It is

further understood that the system is advertised to the advertisers or advertising distributors via

conventional means and desired bid information, including bid prices, profile attributes

requirements or targeted audience and the associated advertisements, are collected ahead of

time from interested advertisers and supplied to bid input server 18 (agency or third party) for

storage in database 18T where the bid information or proposed bids from a plurality of

responding advertisers is retrieved and delivered, during a view-op event, to bidding agent 30

for comparing and evaluating the bid information to the viewer's profile when a view-op

occurs. Moreover, the submitted bids or the responses from the plurality of advertisers contain

various profile attributes requirements that must be satisfied by a view-op, wherein these

various profile attributes submitted by various advertisers form a number combination of

different profile attributes (fig. 3, 5 and 7; page 11: 16 to page 14: 3; page 22: 1 to page 24: 1;

page 26: 4 to page 37: 2).

Furthermore, if a viewer profile (variables) does not contain all the attributes specified in

a proposed bid submitted by an advertiser, then the proposed bid in response to a view-op will

not be considered by the bidding agent 30, which evaluates the proposed bid vis-à-vis the

incoming view-op profile. The advertiser has the latitude in choosing the profile attributes that he

feels or deems relevant to help the viewer make a buying decision (page 22: 1-9). Additionally,

the bid profile attribute requirements or criteria may be very stringent in a situation where the

proposed bid price is high and the advertiser wants to reach only a very selected group of

viewers. On the other hand, the criteria may be loose if the bid price is low and the advertiser

wants to reach a large number of viewers who **meet only a minimum** set of

criteria or fewer profile attributes than the actual profile attributes specified by the advertiser

or bidder. For example, a proposed bid might have a single attribute or criterion such that the

view-op is from all users who use "Netscape browser". In this case, the total economic value

related to the price of all attributes within the profile is equal to the price of the single criterion

specified in the bid. Alternatively, a proposed bid might specify values or contain a plurality of

attributes (a, b, c, e, g, h, and i), wherein a, b, c, e, g, h, and i representative of various attribute

values may be different for each bidder or advertiser (page 26: 6 to page 28: 6).

Finally, Big agents 30 (intermediary) evaluates the proposed bids along with

advertisers' specifications or criteria or profile attributes, submitted by a plurality of

advertisers prior to the view-op or a visit by a user to a registered web site 14, before

forwarding the qualified bids that correspond with the view-op or the user's or viewer's 10

profile having one or more variables or parameters to bid selection logic 16C, coupled to

view server 320, for selecting the highest bid, based on a best-profile attribute matching

criteria, wherein the view server 320 sends a signal to web server 310 to retrieve from ad

table or ad database 16A an appropriate advertisement related to the highest bid and wherein

the advertisement is displayed on the screen of the client browser 11 to be read by the user or

viewer. One or more servers can be used to implement the system disclosed here (fig. 3: page

11: 16 to page 14: 3). Further, database 16B coupled to view server 320 of fig. 3 contains a

series of tables for storing viewer history data (previous viewing habits, purchases, click-

throughs, viewer registration data, etc.) (Page 17: 15 to page: 21: 15).

As per claims 61-62, Roth discloses a system wherein a user's domain, browser type and

cookie are used to recognize or identify the user during an event, such as logging into web site

14, which triggers a view-op or an opportunity to transfer a targeted ad to the user if his profile

matches the advertiser's upon recognizing the user via information retrieved from his cookie file

(page 8: 13-21; page 20: 4; page 36: 21 to page 37: 2; page 31: 19 to page 32: 3).

As per claim 55, Roth discloses an Internet advertising system wherein Web Server 310

of fig. 3 (communication node) receives an HTML reference (a view op) or HTTP request from

web browser 12 when the viewer or visitor (10) accesses a web site having a link to advertising

Web Server or Web Server 310 (page 6: 5-25). If the characteristics of a viewer or visitor (10)

meet the criteria of a proposed bid, bidding agent (30) will submit a bid to view server 320 based

on a minimum or maximum bid or a fixed amount or budget an advertiser is willing to spend for

the right to display his advertising message to a particular viewer (10) having a set of

characteristics or profile. After receiving input from bidding agents (30), the bid selection logic

16C in view server 320 selects the highest bid and indicates to the Web Server 310 which

advertisement from database (16A) should be displayed in response to the HTTP request. In

response to the input from view server 320, the web server 310 delivers the appropriate

advertisement to the viewer or visitor (10). It should further be understood that the steps of

collecting responses from distributors or advertisers are performed automatically using the bid

input server 18 of fig. 3 in conjunction with the advertisers' or distributors' targeted profile or

characteristics and an amount (predetermined threshold) that the advertisers or distributors are

willing to pay for the opportunity to deliver a targeted ad to a user having a specific profile and

wherein the viewer's profile and the advertisers' or distributors' targeted profile are stored in

databases corresponding to the system (page 3: 19 to page 4:10; page 12: 13-17; page 13: 13-23;

page 16: 1-9; fig. 1; see abstract).

As per claims 44 and 51-52, Roth disclose a method and/or system wherein bidding agent

(30) will submit a bid to view server 320 if the characteristics or profile of a viewer or visitor

(10), a human, meet the criteria of a proposed bid from an advertiser or distributor. The visitor's

profile contains at least information from web sites previously visited, IP address of the visitor's

PC, demographic information provided by the visitor during registration, which are stored in

database 16B of fig. 1. It should further be understood that the visitor will fill out a registration

form, containing a plurality of fields including a header, where he will provide his personal

information used in determining whether or not his profile or characteristics match the criteria or

characteristics specified by an advertiser in a bid (page 1: 23 to page 2: 2; page 3: 23 to page 4:

7; page 13: 13-23; page 15: 11-15; page 15: 20-25; page 17: 1-5; page 36: 4-19; page 37: 23-24;

15).

As per claims 63 and 67, Roth discloses a method for advertising on the Internet wherein

a viewer or visitor (10) uses a client to visit web sites over the Internet. A cookie or file stored on

the visitor's client or computer collects data regarding the visitor's visits to these web sites and

these data are subsequently analyzed and used along with the visitor's personal information to

compose a profile for the visitor and wherein this profile is used in the matching of

characteristics by bidding agent (30) or intermediary before an appropriate advertisement is sent

to the visitor by Web Server 310, thereby eliminating the possibility to send irrelevant or

unwanted advertisements to the visitor. Finally, an advertiser can effectively use the tracking or

auditing data stored in the cookie to decide whether or not a visitor has read his ads and based on

this determination, the advertiser might bid more or less money (page 3: 19 to page 4: 10; page

13: 13-23; page 17: 1-2; page 36: 21 to page 37: 2; fig. 1; fig. 6B).

Claim 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in

view of Bezos, US Patent 6,029,141.

As per claims 56-59, Roth does not expressly disclose a method and/or system for

allowing a viewer or visitor to visit an advertiser's web site subsequent to viewing a related

advertisement (follow-up visit), wherein the viewer purchases a product or service featured in the

advertisement and sold at the advertiser's web site and wherein the viewer's purchase is recorded

or audited such that the audited information or transaction data is used to compensate the owner

of the advertising medium or communication node owner for a successful referral.

However, Bezos discloses a method and/or system for distributing product promotions to

the public wherein an agent or associate or Amazon.com partner will set up a web site or

associate's web site 100 having a link or referral link to the Amazon.com site or Merchant's web

site 106 to recruit visitors or customers. Upon visiting the associate's web site 100 using his PC

108 of fig. 5, a visitor or customer can access information about products, such as books, sold at

Amazon.com web site and if the customer or visitor wants to learn more about an advertised

product or even make a purchase, he/she can click on the referral link associated with the

advertised product to be transported to the Merchant's site 106 to purchase the product. If the

customer or visitor purchases the advertised product at the Merchant's web site 106, then the

transaction data or auditing information are first recorded in a database and later used to

compensate the associate of the referring web site 100 for a successful referral based on some

predefined criteria (See abstract; figs 1-2 and fig. 5).

Therefore, an ordinary skilled artisan would have been motivated at the time of the

invention to incorporate Bezos' teachings into the Roth's system so as to display, at an associate's

or communication node owner's web site, an advertising message related to a product or service

from an advertiser or bid winner to a qualified visitor for viewing, wherein upon reading or

viewing the advertising message the user or visitor can click on a referral link displayed at the

associate's web site to visit the advertiser's web site where he can receive more information about

the product or service featured in the advertising message or even purchase the said product or

service and wherein if the customer or visitor purchases the advertised product at the Merchant's

or advertiser's web site 106, then the transaction data or auditing information are first recorded in

a database and later used to compensate the associate (communication node owner) of the

referring web site 100 for a successful referral based on some predefined terms, thereby

rendering the system (the distribution of targeted advertisements to qualified visitors) more cost

effective and attractive to advertisers, while preventing fraudulent

activities or hit inflation by the associate by eliminating the need for the advertisers to ensure that

their messages were actually displayed to qualified viewers since the system is now a

performance based system, that is the owner of the communication node or associate will not be

compensated unless a viewer makes a purchase corresponding to an advertised product or service

broadcast at the communication node web site.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US Patent 5,724,521A to Dedrick discloses a system for charging an advertiser for the

right to distribute one of his advertising messages to one or more users whose profile variables

partially or fully match the advertiser's profile attributes based on a best-fit profile matching and

based on the number of qualified users who are qualified to receive the one advertising message.

WO 97/41673 to Gerace discloses a system wherein users' profile attributes are assigned

particular weights and are compared to an advertiser's profile attributes in accordance with a

scale and wherein the advertiser's messages are displayed to the user based on a best-fit profile

matching and wherein the advertised is charged accordingly.

US Patent 5,974,398A to Hanson discloses, **in an alternative embodiment, an automatic absentee bidding among the advertisers, as shown in figs 14-15, wherein an advertiser's maximum and minimum bid values for an absentee bidding, along with the advertiser's criteria, is recorded (receiving bid offers from advertisers before a user connects to the system, wherein the advertisers' bid offers assign a total price to the profile attributes (the user's profile information) as a whole). Here, the advertiser can be absent from the network and need not participate directly in the bidding system when the user comes online. To this end, the server 660 provides an automatic absentee bidding, having a maximum and minimum bid, on behalf of the advertisers when a user, having a profile matching the advertiser's bid criteria, comes online. The absentee bidding can operate simultaneously with the competitive bidding method conducted by other advertisers or bidders. When a user visits the system on the Internet and makes a request for a service or information, the server 660 (identifying the user) accesses a user profile database to retrieve the user's characteristics, accesses at least two respective advertisers' specified user's criteria related to two respective advertisers (sub plurality of advertisers), compares the user's retrieved characteristics to the at least two respective advertisers' specified user's criteria and selects a first and second advertiser (from the sub plurality) with specifications matching the user's characteristics. If an advertiser from the sub plurality (subset) of advertisers has a maximum bid (value) less than a highest minimum bid value, then the advertiser's bid is ignored. Furthermore, if an advertiser from the sub plurality of advertisers has a maximum bid (value) greater than a second highest maximum bid value of the sub plurality of advertisers, then the server 660 retains this advertiser's bid (through**

this absentee bidding process and the absentee highest bidder is selected as the winner). Thereafter, transmitting automatically (without the user's intervention) from the server 660 to the Internet client or user the winning bid value along with the advertiser's name (or a short message describing the business the advertiser is in), receiving by the server 660 from the user a signal indicating the user's acceptance of the offer and retrieving from the server 660 the advertiser's complete message related to the winning bid and displaying the message on the user's computer screen (here only the winning bid is displayed on the user's computer-figs 14-15; col. 13: 39 to col. 14: 21).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final-   703-872-9327 Before Final -703-872-9326 Non-official Draft- 703-746-7240

Customer Service- 703-872-9325

JDJ

12/11/04   Jean D. Janvier

                                                Patent Examiner

                                                Art Unit 3622